

Mail order

The Wisconsin mail order law helps consumers deal with a major mail order problem: failure to promptly deliver prepaid merchandise. The law also covers phone in orders and applies whether you pay by check, money order, or credit card.

How it works

The seller must ship prepaid merchandise or make a full refund within the delivery time shown on the original order blank or ad (for example, "allow six weeks for delivery") or within 30 days if no delivery time is stated. The seller may extend the delivery date by sending you a notice stating that it cannot send the merchandise within the original delivery period.

You may then:

1. Write the firm and cancel the order. The seller must then promptly send you a refund.

2. Write the firm within 30 days agreeing to delayed delivery date.
3. Do nothing. The firm must then ship or refund payment within the original 30-day period.

Unordered merchandise

Make sure the merchandise you receive in the mail is something you ordered. You are not responsible for any unordered goods you receive in the mail. The law states that there are only two types of merchandise that can be mailed to you without your approval: contribution requests from charities and free samples that are clearly marked as such. It is your right in both cases to keep and use the product as you wish.

If you receive unordered goods in the mail, you may consider it a gift. You are under no obligation to pay for or return it. It is illegal for someone sending unsolicited

material to try to collect payment. Be careful about ignoring goods sent after some sort of prior agreement between you and the company. For instance, a signature on a postcard or an oral agreement on the telephone. Many negative option plans for magazines or books require a minimum purchase and then it is up to you to cancel future unsolicited goods. To protect yourself, before the account is turned over to a collection agency, contact the company in writing to cancel any future order and return all unwanted goods.

Protect yourself

Even with mail order law, there are safeguards to reduce mail order problems. Be sure to:

- Read the product description. Don't rely on pictures alone.
- Check to see if a delivery time is given and if return

policies and guarantees are listed.

- Record the name and address of the company, the date you placed the order and a description of the merchandise.
- Keep ads, canceled checks, and any other pertinent information.
- **Never** send cash in the mail.

The law authorizes the Bureau of Consumer

Protection or any district attorney to seek court injunctions for violations of the law. The court can also order the firm to make refunds to Wisconsin consumers who did not receive their merchandise. In addition, consumers may bring their own lawsuit to recover double the money that was lost to a mail order firm, plus costs and attorney fees.

For more information, or to file a complaint, contact the Bureau of Consumer Protection at:

(800) 422-7128

FAX: (608) 224-4939

TTY: (608) 224-5058

E-MAIL:

datcpHotline@datcp.state.wi.us

WEBSITE:

<http://datcp.state.wi.us/>